IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 33 OF 2006

SHRI VIJAY RAMCHANDRA PEDNEKAR (SINCE DEC.) THROUGH LRS. ....Appellant

Versus

SHRI SACHIN VASSANT NAIK AND ANR., ...Respondents

Mr.S. Kalshavkar, Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 21st June, 2006

P.C.:-

Heard Mr. S. Kalshavkar, the learned Counsel on behalf of the complainant/s. The accused has chosen to remain absent. The complaint came up for evidence before the learned J.M.F.C., Panaji on 8-12-2005 and the learned J.M.F.C. found that none on behalf of the complainant were present to depose on behalf of the complainant. Although, the learned Counsel for the complainant was present he submitted that he had no instructions from the complainant/s. Mr. Kalshavkar submits that that was the first date when the complaint came up for evidence before the trial Court and the complainant who was to depose on behalf of the complainant/s was abroad. If that is so, the learned Counsel on behalf of the complainant/s could have certainly sought an adjournment. However, without going to the merits of the said submission made on behalf of the complainant/s and since the accused has chosen not to contest this appeal, the Order dated 8-12-2005 of the learned J.M.F.C., Panaji is hereby set aside and the complaint is restored to file. The learned J.M.F.C. is directed to proceed with the said complaint in accordance with law and with fresh notice to the accused. Appeal allowed on the above terms.

N. A. BRITTO, J.

RD.